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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/521,615 | 02/09/2006 | Peter Rogall | 6097P058 | 4111 |

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| EXAMINER | |
|---|---|
| KERSHTEYN, IGOR | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3745 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 03/27/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/521,615 | ROGALL ET AL. | |
| | Examiner | Art Unit | |
| | Igor Kershteyn | 3745 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) 6-13 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-4 is/are rejected.

7)☒ Claim(s) 5 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 14 January 2005 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 04/23/2007.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Oath/Declaration*

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

### *Information Disclosure Statement*

The IDS dated 04/23/2007 is objected to because:

Foreign Patents are listed in the "NON-PATENT LITERATURE DOCUMENTS" section,

Patent Number for reference A and Name of the Inventor are missing,

Dates are missing for references C and D.

Examiner initialed and signed the IDS however all the necessary corrections have to be made.

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because:

It contains legal phraseology,

"(Fig.1) should be deleted.

Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
    (1) Field of the Invention.
    (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: the specification does not contain any section headings.

Appropriate correction is required.

***Claim Objections***

Claims 6-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claims 6-13 not been further treated on the merits.

In claim 1, line 4, "arrangment" should be changed to –arrangement–.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Scholz rt al. (4,871,923).

In figures 1-3, Scholz et al. teach a wind power plant having a rotor 1 which is rotatably supported with respect to a rotor axis by means of a bearing arrangement 11,12,29 and has a rotor blade 1 fixed to a rotor hub and extending therefrom radially outwardly, with respect to the rotor axis, characterized in that said bearing arrangement comprises a first bearing ring 11,12,29 being fixed to a support arrangement 3 in a torque-proof manner and disposed coaxially with respect to said rotor axis, and a second bearing ring 11,12,29 being rotatably, with respect to said rotor axis, supported on said first bearing ring 11,12,29 and fixed to said rotor hub 2.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Schoo et al. (6,232,673).

In figures 1-6, Schoo et al. teach a wind power plant having a rotor which is rotatably supported with respect to a rotor axis by means of a bearing arrangement 3 and has a rotor blade (inherently) fixed to a rotor hub 2 and extending therefrom radially outwardly, with respect to the rotor axis, characterized in that said bearing arrangment 3 comprises a first bearing ring 6 being fixed to a support arrangement 4 in a torque-proof manner and disposed coaxially with respect to said rotor axis, and a second bearing ring 7 being rotatably, with respect to said rotor axis, supported on said first bearing ring 6 and fixed to said rotor hub 2.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by ES2206028A1.

In figures 1-6, '028 teaches a wind power plant having a rotor which is rotatably supported with respect to a rotor axis by means of a bearing arrangement 13 and has a rotor blade 4 fixed to a rotor hub 3 and extending therefrom radially outwardly, with respect to the rotor axis, characterized in that said bearing arrangment 13 comprises a first bearing ring (inherently) being fixed to a support arrangement 1 in a torque-proof manner and disposed coaxially with respect to said rotor axis, and a second bearing ring (inherently) being rotatably, with respect to said rotor axis, supported on said first bearing ring and fixed to said rotor hub 3.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by DE19916454A1.

In figure 2, '454 teaches a wind power plant having a rotor 1 which is rotatably supported with respect to a rotor axis by means of a bearing arrangement 21 and has a rotor blade 3 fixed to a rotor hub 2 and extending therefrom radially outwardly, with respect to the rotor axis, characterized in that said bearing arrangment 21 comprises a first bearing ring (inherently) being fixed to a support arrangement 10 in a torque-proof manner and disposed coaxially with respect to said rotor axis, and a second bearing ring (inherently) being rotatably, with respect to said rotor axis, supported on said first bearing ring and fixed to said rotor hub 2.

***Allowable Subject Matter***

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of three patents.

Baek et al. (5,663,600) is cited to show a wind power plant having a rotor which is rotatably supported with respect to a rotor axis by means of a bearing arrangement and has a rotor blade fixed to a rotor hub and extending therefrom radially outwardly, with respect to the rotor axis, characterized in that said bearing arrangment comprises a first bearing ring being fixed to a support arrangement (30) in a torque-proof manner and disposed coaxially with respect to said rotor axis, and a second bearing ring being rotatably, with respect to said rotor axis, supported on said first bearing ring and fixed to said rotor hub.

Looker (6,452,287) is cited to show a wind power plant having a rotor which is rotatably supported with respect to a rotor axis by means of a bearing arrangement and has a rotor blade fixed to a rotor hub and extending therefrom radially outwardly, with respect to the rotor axis, characterized in that said bearing arrangment comprises a first bearing ring being fixed to a support arrangement (30) in a torque-proof manner and disposed coaxially with respect to said rotor axis, and a second bearing ring being

rotatably, with respect to said rotor axis, supported on said first bearing ring and fixed to said rotor hub.

Debleser (6,504,260) is cited to show a wind power plant having a rotor which is rotatably supported with respect to a rotor axis by means of a bearing arrangement and has a rotor blade fixed to a rotor hub and extending therefrom radially outwardly, with respect to the rotor axis, characterized in that said bearing arrangment comprises a first bearing ring being fixed to a support arrangement (30) in a torque-proof manner and disposed coaxially with respect to said rotor axis, and a second bearing ring being rotatably, with respect to said rotor axis, supported on said first bearing ring and fixed to said rotor hub.

***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

**IK**
October 11, 2007

IGOR KERSHTEYN
PRIMARY EXAMINER

**Igor Kershteyn**
**Primary Patent examiner.**
**Art Unit 3745**